

I hereby certify that this correspondence is being faxed to the  
Office of Initial Patent Examination's Filing Receipt  
Corrections at (703) 746-9195 and consists of pages on this  
28<sup>th</sup> day of October 2004.

Gustavo Siller, Jr., Reg. No. 32,305

Name of Applicant/Assignee or  
Registered Representative

Signature

Our Case No. 9281-3943

Client Reference No. N US00069

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yasuo Hayakawa et al.

Serial No. 09/834,085

Filing Date: April 12, 2001

For: The Film Magnetic Head Comprising SiON  
Film And Manufacturing Method Transfer

)  
)  
)  
) Examiner: Klimowicz, William J.

)  
) Group Art Unit: 2652  
)  
)  
)

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

Applicants request the issuance of a corrected Filing Receipt (Exhibit A) for the  
above-identified application, and in support of this respectfully states:

The filing date of this application was changed by the Office of Petitions in a  
Decision dated January 24, 2002 (Exhibit B) and should be corrected to reflect the new  
filing date as follows:

**- April 12, 2001-**

The Commissioner is hereby authorized to charge any fees required to Deposit  
Account No. 23-1925.

Respectfully submitted,

Gustavo Siller, Jr.  
Registration No. 32,305  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

BEST AVAILABLE COPY

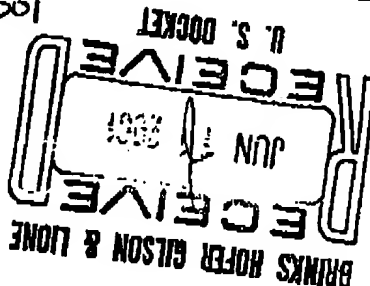


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE             | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/834,085         | 04/14/2001<br>4/12/2001 | 2652         | 950           | 9281-3943       | 6        | 20         | 6          |

Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610



CONFIRMATION NO. 2769

## FILING RECEIPT



\*0000000008153466\*

Date Mailed: 06/06/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Yasuhiro Nishiyama, Niigata-ken, JAPAN;  
Yasuo Hayakawa, Niigata-ken, JAPAN;

## Assignment For Published Patent Application

Alps Electric Co., Ltd.;

## Domestic Priority data as claimed by applicant

## Foreign Applications

JAPAN 2000-111702 04/13/2000

If Required, Foreign Filing License Granted 06/06/2001

Projected Publication Date: 10/18/2001

Non-Publication Request: No

Early Publication Request: No

## Title

Thin film magnetic head comprising SiON film and manufacturing method therefor

## Preliminary Class

360

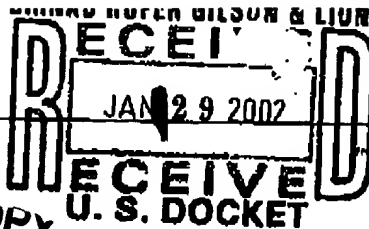
**Data entry by : TRUONG, T**

**Team : OIPE**

**Date: 06/06/2001**



UNITED STATES PATENT AND TRADEMARK OFFICE


 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON D.C. 20231  
 www.uspto.gov

Paper No. 5

 BRINKS HOFER GILSON & LIONE  
 P.O. BOX 10395  
 CHICAGO IL 60610

COPY MAILED

JAN 24 2002

 In re Application of  
 Nishiyama et al  
 Application No. 09/834,085  
 Filed: April 12, 2001  
 Attorney Docket No. 9281-3943

 OFFICE OF PETITIONS  
 : DECISION GRANTING  
 : PETITION  
 :

This is a decision on the petition filed July 30, 2001, requesting that the above-identified application be accorded a filing date of April 12, 2001, rather than the presently accorded filing date of April 11, 2001. The petition is properly treated under 37 CFR 1.10(d).

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on April 12, 2001, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of Express Mail label No. EL677509309US showing a "date-in" of April 11, 2001. The same Express Mail label number is found on the original application papers. In addition, petitioners submitted (1) a copy of their Express Mail Log for April 12, 2001 that shows a package bearing Express Mail label EL677509309US was mailed on April 12, 2001, (2) the firm's docket entry card with April 12, 2001 listed as the date of entry in Express Mail, and (3) a United States Postal Service (USPS) on-line shipment history showing April 12, 2001 as the date of deposit in Express Mail.

A review of the Office's USPS Express Mail Information Database reveals that a package with Express Mail label EL677509309US affixed thereto was accepted by the USPS on April 12, 2001.

Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and

EXHIBIT D

BEST AVAILABLE

Application No. 09/834,085

Page 2

within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in s 10.1(r) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."


The petition filed July 30, 2001, is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is granted.

No fee has been or will be charged in connection to this petition.

\* The application is being returned to Office of Initial Patent Examination for correction of the filing date to April 12, 2001 and the mailing of a corrected filing receipt.

Thereafter, the application will be forwarded to Technology Center 2600 for examination in due course.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.



E. Shirene Willis  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

EXHIBIT B